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STATEMENT OF THE HONORABLE MATTHEW NIMETZ
UNDER SECRETARY OF STATE FOR SECURITY ASSISTANCE, SCIENCE AND TECHNOLOGY

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TO

SUBCOMMITTEE ON INTERNATIONAL OPERATIONS
HOUSE COMMITTEE ON FOREIGN AFFAIRS

ON

JONESTOWN FOLLOW-UP

MARCH 4, 1980

DEPARTMENT OF STATE A/CDC/MR
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MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE:

I AM PLEASED TO APPEAR BEFORE THIS COMMITTEE TODAY TO REPORT ON THE STEPS THAT THE DEPARTMENT OF STATE HAS TAKEN IN THE AFTERMATH OF THE TRAGIC EVENTS WHICH OCCURRED IN JONESTOWN, GUYANA IN NOVEMBER, 1978. WITH ME TODAY IS MS. BARBARA WATSON, ASSISTANT SECRETARY OF STATE FOR CONSULAR AFFAIRS, WHO HAS BEEN DIRECTLY RESPONSIBLE FOR IMPLEMENTING MANY OF THE INITIATIVES THAT THE DEPARTMENT HAS UNDERTAKEN SINCE THE JONESTOWN EVENT TOOK PLACE. I AM ALSO ACCOMPANIED BY MR. GENE KRIZEK OF THE DEPARTMENT'S OFFICE OF CONGRESSIONAL AFFAIRS, AND BY MS. LUCY HUMMER OF THE LEGAL ADVISOR'S STAFF. ALL OF US WILL BE PREPARED TO ANSWER ANY QUESTIONS THAT THE COMMITTEE MAY HAVE.

THE MASS MURDERS AND SUICIDES THAT TOOK PLACE IN JONESTOWN SIXTEEN MONTHS AGO WERE, WITHOUT QUESTION, ONE OF THE MOST BIZARRE AND UNPRECEDENTED OCCURRENCES OF MODERN TIMES. IT IS ALMOST BEYOND COMPREHENSION TO IMAGINE THAT A BAND OF 900 AMERICANS COULD HAVE ENGAGED IN THIS RITUAL OF SELF-EXTINCTION. TRAGICALLY, CONGRESSMAN RYAN AND SOME MEMBERS OF THE MEDIA WHO HAD ACCOMPANIED HIM TO GUYANA ALSO LOST THEIR LIVES AS THIS FANTASTIC TRAGEDY UNFOLDED.

JONESTOWN WAS, TO A LARGE DEGREE, AN ABERRATION; AN EVENT THAT WAS SO HORRENDOUS THAT IT WOULD HAVE BEEN

DIFFICULT TO ANTICIPATE IN ITS FULL DIMENSIONS EVEN HAD THERE BEEN CLEAR-CUT EVIDENCE THAT JONES AND HIS FOLLOWERS WERE WILLING TO USE VIOLENT MEANS TO CARRY OUT THEIR DISTORTED PURPOSES. NO ONE CAN DENY, HOWEVER, THAT THE JONESTOWN INCIDENT HAS CAUSED IMMENSE PAIN AND SUFFERING FOR THE RELATIVES WHO HAD FAMILY MEMBERS IN THE PEOPLES TEMPLE COMMUNITY, AND FOR THE FAMILY AND FRIENDS OF CONGRESSMAN RYAN AND THE REPORTERS WHO WERE KILLED AT PORT KAITUMA IN NOVEMBER, 1978.

DESPITE THE FACT THAT JONESTOWN HAS NOW BECOME SYNONYMOUS WITH A UNIQUE TYPE OF COLLECTIVE MADNESS, THE SCOPE OF THE INCIDENT MAKES IT IMPERATIVE THAT THE FEDERAL GOVERNMENT DO EVERYTHING IN ITS POWER TO ENSURE THAT A SIMILAR OCCURRENCE COULD NOT TAKE PLACE IN THE FUTURE. WITHIN THE DEPARTMENT OF STATE, WE HAVE INSTITUTED A NUMBER OF MEASURES DESIGNED TO IMPROVE OUR HANDLING OF UNUSUAL OR DIFFICULT CONSULAR CASES ABROAD AND WE HAVE ALSO INAUGURATED NEW PROGRAMS INTENDED TO PROVIDE BETTER SECURITY TO CONGRESSIONAL DELEGATIONS TRAVELING OVERSEAS. WE HAVE ALSO INSTITUTED SOME CHANGES IN THE CONSULAR FIELD, BOTH WITH RESPECT TO INTERNAL ADMINISTRATIVE MATTERS AND TO THE ADEQUACY OF CONSULAR TRAINING.

MY FIRST INVOLVEMENT WITH THE PEOPLE'S TEMPLE ISSUE CAME AFTER THE JONESTOWN TRAGEDY HAD ALREADY TAKEN PLACE.

As Counselor of the Department of State, I had had no responsibility previously for policy oversight in the consular area or for the protection of Americans resident overseas. In December, 1978, however, Secretary Vance asked me to organize an effort within the Department to examine the chain of events which led to the Jonestown tragedy and prepare a set of recommendations based upon these findings..

Accordingly, I arranged for two consultants to be retained by the Department to conduct an exhaustive study of the performance of the Department of State and the American Embassy in Guyana in the People's Temple case. These men, both retired senior Foreign Service Officers, visited Guyana and spoke with nearly all the U.S. government officials who had been involved in handling People's Temple affairs until November 18, 1978. Their study was released to the public in May of last year, and copies were provided to the Congress. The findings and recommendations of that report, along with the conclusions of the report prepared by the staff of this Committee, formed the basis for the actions we have since taken to ensure that the Jonestown experience would not be repeated. For purposes of discussion, those actions can be divided into three principal categories: 1) Improvements in Congressional Delegation Security,

2) Impact of the Freedom of Information and Privacy Acts on Foreign Policy Operations, and 3) Enhancement of the Provision of Consular Services.

Improvements in Congressional Delegation Security

I will address first our actions to improve security of Congressional delegations. Individual Members of Congress and Congressional delegations annually conduct a large number of fact-finding missions to virtually all parts of the world. Most, but not all, of these visits are coordinated through the Department of State. The Department stands ready to provide logistics support, background information and briefings, and facilitate security arrangements for all Members of Congress and their staffs who may be traveling to a foreign country. We have always made it a standard practice to work closely with law enforcement authorities in other nations regarding any special security problems that may arise and we have also endeavored to alert Congressional delegations to any particular dangers that might pose some risk to the Members of a delegation or to its staff. In this regard, there have been a number of instances in the past when the Department has recommended that specific missions be cancelled because of the security situation in a nation to be visited. Members of Congress, of course, retain the absolute right, as a part of their oversight function, to travel anywhere in the world, regardless of the dangers that may exist.

FOLLOWING THE JONESTOWN INCIDENT, WE CONDUCTED A REVIEW OF THE SECURITY MEASURES AFFORDED TO CONGRESSIONAL DELEGATIONS BY THE DEPARTMENT, AND WE CONCLUDED WE COULD DO MORE TO ENSURE THAT EACH DELEGATION IS GIVEN COMPLETE INFORMATION ON POSSIBLE SECURITY THREATS THAT COULD ARISE DURING THE COURSE OF AN OVERSEAS MISSION. ACCORDINGLY, WE HAVE NOW MADE IT A STANDARD PRACTICE TO REQUEST UP-TO-DATE INFORMATION IN THIS AREA FROM ALL OF OUR MISSIONS AND EMBASSIES AS A PART OF THE GENERAL SUPPORT THAT WE PROVIDE TO THE CONGRESS. THIS INFORMATION IS SHARED WITH MEMBERS OF CONGRESS WHO WILL BE TRAVELING OVERSEAS, AND THE CHAIRMAN OF EACH DELEGATION IS INVITED TO ATTEND A BRIEFING ON SECURITY MATTERS BEFORE HIS DELEGATION DEPARTS FROM THE UNITED STATES.

WE ALSO CONSIDERED A NUMBER OF OTHER STEPS THE DEPARTMENT COULD TAKE TO STRENGTHEN THE SECURITY ARRANGEMENTS FOR TRAVELING CONGRESSIONAL DELEGATIONS. WE EVEN EXAMINED THE FEASIBILITY OF ESTABLISHING A PERMANENT SECURITY FORCE THAT COULD ACCOMPANY MEMBERS OF CONGRESS WHEN THEY TRAVEL ABROAD, BUT THE COST OF SUCH A SERVICE WOULD HAVE BEEN PROHIBITIVE. WE ARE, HOWEVER, PREPARED TO PROVIDE MOBILE COMMUNICATIONS EQUIPMENT, AS APPROPRIATE, TO CONGRESSIONAL DELEGATIONS THAT MAY BE VISITING REMOTE OR ISOLATED AREAS OF THE WORLD, AND WE HAVE ACTUALLY DONE SO ON AT LEAST ONE OCCASION.

THE DEPARTMENT IS CONCERNED THAT MEMBERS OF CONGRESS NOT COME TO HARM ONCE THEY HAVE LEFT THIS NATION'S BORDERS, AND WE SHALL CONTINUE TO TAKE WHATEVER ACTION WE CAN TO GUARANTEE THE PHYSICAL SECURITY OF CONGRESSIONAL DELEGATIONS DURING THE TIME THEY ARE OVERSEAS.

A SECOND AREA OF OUR FOCUS HAS BEEN THE IMPACT OF THE FREEDOM OF INFORMATION AND PRIVACY ACTS ON REPORTING FROM OUR EMBASSIES. ONE OF THE PRINCIPAL CONCLUSIONS OF THE DEPARTMENT'S EXAMINATION OF THE JONESTOWN INCIDENT WAS THE DISCOVERY THAT A NUMBER OF OFFICIALS IN OUR EMBASSY IN GUYANA FELT CONSTRAINED BY THE PRIVACY AND FREEDOM OF INFORMATION ACTS AS TO THE SORT OF INFORMATION THEY COULD COMPILE REGARDING THE ACTIVITIES OF AMERICAN CITIZENS RESIDENT ABROAD. WE LAUNCHED AN EXTENSIVE EXAMINATION OF THE GENERAL IMPACT OF THESE TWO STATUTES ON FOREIGN SERVICE REPORTING TO DETERMINE WHETHER THESE APPREHENSIONS WERE WIDELY SHARED. WE CANVASSED KEY U.S. EMBASSIES AND THEIR CONSTITUENT POSTS IN ALL GEOGRAPHIC AREAS, AND WE MET WITH A VARIETY OF INTERESTED GROUPS IN WASHINGTON. OUR SURVEY CONFIRMED THAT MANY OFFICERS FEEL THEY ARE CONSTRAINED IN THEIR REPORTING BY THE CRIMINAL SANCTIONS IN THE PRIVACY ACT, BY THE RESTRICTION ON MAINTAINING RECORDS ON ACTIVITIES THAT MAY BE PROTECTED BY THE FIRST AMENDMENT, AND BY THE LACK OF AN EXEMPTION IN THE PRIVACY ACT FOR INTER- AND INTRA-AGENCY MEMORANDA. WE ALSO UNCOVERED A NUMBER OF ANOMALIES IN THE OPERATION OF THE FREEDOM OF INFORMATION

ACT WHICH MAY HAVE MADE IT MORE DIFFICULT IN RECENT YEARS TO OBTAIN AND REPORT ACCURATELY INFORMATION DERIVED FROM FOREIGN SOURCES.

ON NOVEMBER 13, I WROTE TO THE DEPARTMENT OF JUSTICE OUTLINING THE RESULTS OF OUR STUDY AND PROPOSING CERTAIN LEGISLATIVE CHANGES TO THE FREEDOM OF INFORMATION ACT TO BE INCORPORATED IN AN OMNIBUS REVIEW THAT THE JUSTICE DEPARTMENT WAS THEN PREPARING. ON DECEMBER 12, I WROTE TO CHAIRMAN ZABLOCKI AND TO CONGRESSMAN PREYER, CHAIRMAN OF THE SUBCOMMITTEE ON GOVERNMENT INFORMATION AND INDIVIDUAL RIGHTS, REVIEWING THE FINDINGS OF OUR STUDY AS THEY RELATED TO BOTH STATUTES AND OFFERING TO DISCUSS OUR SPECIFIC RECOMMENDATIONS IN GREATER DETAIL. I WOULD LIKE TO REITERATE OUR COMPLETE WILLINGNESS TO WORK CLOSELY WITH THE CONGRESS ON THIS MATTER.

IN SUMMARY, WE HAVE PROPOSED A NUMBER OF MODIFICATIONS TO THE PROVISIONS OF BOTH ACTS THAT WOULD ELIMINATE CERTAIN UNDESIRABLE FEATURES AND TIGHTEN THE STATUTORY LANGUAGE OF OTHERS. WITH REGARD TO THE PRIVACY ACT, WE BELIEVE THAT THE CRIMINAL SANCTIONS CONTAINED IN THE STATUTE ARE UNNECESSARY AND SHOULD BE ELIMINATED. WE WOULD LIKE TO SEE THE LANGUAGE CONCERNING RECORD-KEEPING INVOLVING FIRST AMENDEMENT ACTIVITIES MADE MORE SPECIFIC. WE HAVE ALSO PROPOSED CERTAIN CHANGES DESIGNED BETTER TO PROTECT THE IDENTITIES OF CONFIDENTIAL SOURCE

AND WE WOULD LIKE TO HAVE GREATER DISCRETION IN NOTIFYING RELATIVES ABOUT DETENTION CASES THAN IS NOW PERMITTED BY THE ACT. WITH REGARD TO THE FREEDOM OF INFORMATION ACT, WE BELIEVE THAT CERTAIN CHANGES OF AN ADMINISTRATIVE NATURE WOULD BE DESIRABLE TO PREVENT ABUSES OF THE ACT BY FOREIGN NATIONALS, AND WE ALSO BELIEVE THAT CERTAIN SECTIONS COULD BE IMPROVED TO AFFORD GREATER PROTECTION FOR CONFIDENTIAL SOURCES AND SCIENTIFIC DATA. I WOULD BE HAPPY TO DISCUSS OUR FINDINGS IN GREATER DETAIL DURING THE QUESTION PERIOD, AND I AM ALSO WILLING TO PROVIDE COPIES OF MY LETTER TO CHAIRMAN ZABLOCKI TO THE MEMBERS OF THIS SUBCOMMITTEE.

THE DEPARTMENT RECOGNIZES THAT THE PROPER FUNCTIONING OF THE PRIVACY AND FREEDOM OF INFORMATION ACTS IS NOT DEPENDENT SOLELY UPON THE LANGUAGE CONTAINED IN THESE TWO STATUTES. CERTAINLY THE DEPARTMENT ITSELF HAS AN OBLIGATION TO ENSURE THAT ITS OFFICERS ARE ACCURATELY INFORMED ABOUT THE MEANING OF THESE LAWS AND THEIR PROPER INTERPRETATION. WE HAVE ALWAYS PROVIDED REGULAR GUIDANCE IN THIS AREA TO THE DEPARTMENT'S OFFICERS, BOTH IN THE FIELD AND IN WASHINGTON, AND WE HAVE RECENTLY SENT AN UPDATED LETTER OF INSTRUCTION ON THE PRIVACY AND FREEDOM OF INFORMATION ACTS TO ALL OUR POSTS WORLDWIDE. WE SHALL CONTINUE TO PROVIDE REGULAR GUIDANCE ON THIS ISSUE TO OUR EMBASSIES TO ENSURE THAT

INDIVIDUAL OFFICERS ARE NOT INTERPRETING THE LEGAL REQUIREMENTS IN A MANNER THAT IS MORE RESTRICTIVE THAN THE LAW ACTUALLY PROVIDES.

OF COURSE, WHILE CERTAIN CHANGES TO THE PRIVACY AND FREEDOM OF INFORMATION ACTS MAY BE DESIRABLE FROM THE STANDPOINT OF EFFECTIVELY CONDUCTING OUR FOREIGN RELATIONS, WE SHOULD NOT LOSE SIGHT OF THE ORIGINAL PURPOSES OF THESE TWO STATUTES. BOTH LAWS HAVE MADE A MAJOR CONTRIBUTION TO STRENGTHENING THE PUBLIC'S RIGHT TO KNOW ABOUT THE OPERATIONS OF ITS GOVERNMENT. THE PRIVACY ACT HAS BEEN GENERALLY EFFECTIVE IN ENHANCING THE INDIVIDUAL'S RIGHT TO BE PROTECTED AGAINST UNWARRANTED GOVERNMENT RECORD-KEEPING. OUR CONCERN IS THAT BOTH OF THESE PURPOSES BE PRESERVED AND STRENGTHENED, BUT THAT THE OPERATION OF THESE LAWS NOT INHIBIT THE CONDUCT OF U.S. FOREIGN RELATIONS WHEN THERE IS NOT A CLEAR BENEFIT TO BE DERIVED IN TERMS OF INDIVIDUAL LIBERTIES. A BALANCE CAN BE STRUCK, AND THE CHANGES WE HAVE PROPOSED WILL FURTHER OUR FOREIGN POLICY GOALS WITHOUT DIMINISHING THE PUBLIC'S RIGHT TO KNOW AND THE PUBLIC'S RIGHT TO BE LEFT ALONE.

THE THIRD GENERAL AREA, WHICH WE REVIEWED AFTER THE JONESTOWN INCIDENT WAS THE PROVISION OF CONSULAR SERVICES. THE DEPARTMENT OF STATE HAS INSTITUTED A NUMBER OF ORGANIZATIONAL AND SUBSTANTIVE CHANGES DESIGNED TO SENSITIZE OUR CONSULAR OFFICERS TO THE POTENTIAL RAMIFICATIONS OF

JONESTOWN-LIKE SITUATIONS. IN THIS REGARD, WE HAVE EXPANDED AND UPGRADED THE TRAINING OPPORTUNITIES OFFERED TO THE CONSULAR CORPS AND WE HAVE ALSO PROVIDED SOME ORIENTATION TO THE PSYCHOLOGICAL ASPECTS OF VARIOUS MIND CONTROL TECHNIQUES. THE BASIC CONSULAR COURSE, FOR EXAMPLE, INCLUDES A VIDEOTAPE LECTURE ON THE MANAGEMENT OF STRESS. WE HAVE ALSO EMPLOYED THE JONESTOWN INCIDENT AS AN ACTUAL CASE STUDY FOR USE IN SOME ADVANCED CONSULAR TRAINING EXERCISES, AND THE PROBLEMS OF DEALING WITH ORGANIZED AMERICAN COMMUNITIES OVERSEAS ARE REGULARLY DISCUSSED AT PERIODIC CONSULAR CONFERENCES AND AT THE FOREIGN SERVICE INSTITUTE. WE ARE ALSO EXAMINING THE POSSIBILITY OF MAKING FUNDS AVAILABLE FROM THE EMERGENCY MEDICAL AND DIETARY ASSISTANCE PROGRAM FOR USE BY OUR POSTS IN ENLISTING THE SERVICES OF PSYCHIATRISTS TO DEAL WITH INDIVIDUALS OR GROUPS WHO MAY BE IN NEED OF SUCH ATTENTION.

WE HAVE GENERALLY ENDEAVORED TO HEIGHTEN THE AWARENESS OF OUR CONSULAR OFFICERS TO JONESTOWN SITUATIONS, AND WE HAVE ENCOURAGED CLOSER COOPERATION BETWEEN CONSULAR OFFICERS IN THE FIELD AND THEIR POLITICAL AND ECONOMIC COUNTERPARTS. THE BUREAU OF CONSULAR AFFAIRS HAS BEEN REORGANIZED AND THE STAFF OF THE BUREAU HAS BEEN STRENGTHENED THROUGH THE CREATION OF THREE DEPUTY ASSISTANT SECRETARY POSITIONS. WE HAVE EXPANDED THE STAFF OF THE LEGAL ADVISOR'S OFFICE